

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 21, 2009**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Higgins, Cioni, Boyle, McDonald, Housel, Valentine - Present

Also Present: Richard Phelan, Borough Manager
Richard Cushing, Esq. Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

COUNCIL APPEARANCE

None

MINUTES:

Mayor McDonald entertained additions or corrections to the minutes of the Regular Meeting held July 7, 2009.

Hearing none, it was moved by Housel, seconded by Cioni that the minutes be approved.

Ayes: 6, Nays: 0
Motion Carried

COMMUNICATIONS:

Mayor McDonald stated that Council had received a communication from the Chair of the Washington Borough Republican Committee offering the names of the candidates they are recommending to the Council as the temporary replacement for Ms. Woykowski’s Council seat.

Council agreed to interview the candidates at the next Council meeting of August 4, 2009

Motion made by Cioni, seconded by Valentine to receive and file the communication.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE:

Chief of Police George Cortellesi

Chief Cortellesi explained to the Mayor and Council that approximately four weeks ago he approached Manager Phelan regarding money that had been willed to the Washington Borough Police Department. He advised me that the Borough was going to use the money to pay the three hundred hours of sick time that the Borough may be responsible for after the merger of the police departments. Chief Cortellesi stated that he had obtained copies of all three wills. He stated that the wills left the money to the Washington Borough Police Department. In addition, Mr. Sloan's will specifically stated that his donation must be used at the discretion of the Police Chief.

Attorney Cushing stated that he must read the wills, however, the money that the department has been willed is the property of the Borough of Washington with the exception of the \$5,000 left to the Police Department by Mr. Sloan. He explained, the police department is basically an extension of the town and the Governing Body would decide where to use the other monies. Councilman Boyle noted that the decision to use the money to pay down the 300 hours of sick time did not come before Council. Manager Phelan stated that he had informed Council of this decision.

Manager Phelan indicated he had discussed this with the chief and had told him the \$5,000 left to the police department by Mr. Sloan could be used at his discretion.

Attorney Cushing recommended that the Police Department use the \$5,000 from Mr. Sloan prior to August 1st. The question is what does the governing body want to do with the remaining \$14,000? Do you want to allow the chief to spend the money or use the money to pay down the 300 hours of sick time that the Borough may be liable for. Attorney Cushing also stated that if the money wasn't used to pay down the sick time after twelve years, it should be turned over to the Washington Township Police Department.

Mayor McDonald stated that if the money is used by the police department it would be sticking within the spirit of the wills.

Motion made by Higgins to allow the Chief of Police to spend the remaining \$14,000 at his discretion in cooperation with the Township Police Department, seconded by Boyle.

Roll Call: Higgins, Boyle, McDonald – Yes
Housel, Cioni, Valentine – No

Ayes:3, Nays: 3
Motion Failed

The \$5,000 willed to the Police Department by Mr. Sloan can be used at the discretion of the Chief of Police while the remaining \$14,000 will be kept in trust to pay down the 300 hours of sick time.

Robert Hoff Washington Avenue

Mr. Hoff stated that he has contacted the State of New Jersey and the Borough of Washington regarding a handicapped spot that had been approved last year. The State informed him that the handicapped spot could not be installed until the construction project downtown was completed. Councilman Cioni asked if the Borough could install a temporary handicapped parking spot. Manager Phelan stated he will check on that possibility with the Borough Engineer.

Mr. Hoff also raised some concerns that he has regarding the day care center near his home. He is concerned about the fence surrounding the property and what kind of risk that would pose if there were to be an emergency. Manager Phelan will discuss this with the Zoning Officer and get back to Mr. Hoff.

Motion made by Higgins to close the audience portion of the meeting, seconded by Housel.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES

Ordinance 7-2009 AN ORDINANCE ADDING NEW CHAPTER 30 ENTITLED BUILDINGS, ABANDONED TO THE CODE OF THE BOROUGH OF WASHINGTON TO ESTABLISH AN ABANDONED PROPERTY LIST WITH AUTHORIZATION FOR THE BOROUGH MANAGER TO DESIGNATE QUALIFIED REHABILITATION ENTITIES AND AMENDING CHAPTER 31 OF THE CODE OF THE BOROUGH OF WASHINGTON(Adoption/Public Hearing)

Mayor McDonald entertained a motion to introduce **Ordinance #7-2009**.

Ordinance 7-2009 was moved by Councilman Cioni, seconded by Councilman Housel.

It was further moved by Cioni, seconded by Housel that the Clerk read Ordinance #7-2009 by title only.

The Clerk read Ordinance #7-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Boyle, Valentine, Cioni, Housel, McDonald
Higgins – No

Ayes: 5, Nays: 1.
Motion carried.

Public Hearing:

Candy DeFillips inquired if this new ordinance would pertain to all abandoned properties within the Borough. Mayor McDonald stated yes, there are certain criteria that must be met and the abandoned property must be vacant for six months. She asked if the Vikon Tile property would fall into this category as she believes the Borough owns that property. Mayor McDonald stated that the Borough Manager would look into this.

Hearing no further comments from the public Councilman Higgins motioned to close the public hearing seconded by Councilman Housel.

Ayes: 6, Nays: 0
Motion Carried

Mayor McDonald entertained a motion to adopt Ordinance 7-2009 on final adoption.

Motion made by Housel, seconded by Cioni to adopt Ordinance 7-2009 on final adoption.

Roll Call: Housel, McDonald, Cioni, Valentine - Yes
Boyle, Higgins - No

Ayes: 4, Nays: 2
Motion Carried

ORDINANCE # 7 -2009

**AN ORDINANCE ADDING NEW CHAPTER 30 ENTITLED
“BUILDINGS, ABANDONED” TO THE CODE OF THE
BOROUGH OF WASHINGTON TO ESTABLISH AN
ABANDONED PROPERTY LIST WITH AUTHORIZATION
FOR THE BOROUGH MANAGER TO DESIGNATE
QUALIFIED REHABILITATION ENTITIES AND AMENDING
CHAPTER 31 OF THE CODE OF THE BOROUGH OF
WASHINGTON**

WHEREAS, the Borough of Washington contains a number of vacant buildings that have been abandoned by their owners and that are in a state of disrepair and neglect; and

WHEREAS, these buildings, by virtue of their condition and their proximity to other buildings, are diminishing the value of neighboring properties and have a negative affect on the quality of life of adjacent residents and property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, many of these buildings, or the land on which they are situated, can be used for productive purposes, which will further the revitalization of the Borough and improve its economic and social condition; and

WHEREAS, the Borough desires to use the powers granted local governments under the laws of the State of New Jersey to address the conditions created by these buildings, and further their reuse for productive purposes; and

WHEREAS, by creating an abandoned property list the Borough will be better able to address the conditions created by these buildings, and further their reuse for productive purposes;

WHEREAS, *N.J.S.A. 55:19-55* authorizes a municipality that has designated a public officer to deal with unsafe buildings pursuant to *N.J.S.A. 40:48-2.5* to adopt an ordinance directing that public officer to undertake an inventory of abandoned properties within the municipality; and

WHEREAS, Section 31-4 of the Code of the Borough of Washington designates the Zoning Officer as the public officer to exercise the powers set forth in Chapter 31 of the Code related to unfit buildings as authorized by *N.J.S.A. 40:48-2.5*; and

WHEREAS, the Mayor and Council have determined that it would be more efficient for the Borough if the Borough Manager or his designee ~~served~~ **serves** as the public officer pursuant to both *N.J.S.A. 40:48-2.5* and *N.J.S.A. 55:19-55*;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, County of Warren, as follows:

Section 1. A new chapter 30 entitled “Buildings, Abandoned” is hereby added to the code of the Borough of Washington to read as follows:

§30-1. Legislative Declaration.

It is hereby found and declared that vacant buildings in the Borough of Washington abandoned by their owners, by virtue of their disrepair and neglect and their proximity to other buildings, diminish the value of neighboring properties, have a negative affect on the quality of life of adjacent residents and property owners, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability and revitalization. It is further found and declared that the use by the Borough of the powers granted to local governments by State law to address the conditions created by abandoned buildings will further the revitalization of the Borough and improve its economic and social condition.

§30-2. General Definitions.

“Lienholder” or “mortgage holder” means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

“Owner” means the holder or holders of title to an abandoned property.

“Property” means any building or structure and the land appurtenant thereto.

“Qualified rehabilitation entity” means an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable, housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set for in *N.J.S.A. 55:19-78 et seq.* to carry out the rehabilitation of vacant buildings in urban areas.

“Utility” means any electric or natural gas public utility that is regulated under the jurisdiction of the Board of Public Utilities.

§30-3. Abandoned Property Criteria

A. Except as provided in §30-4 below, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

- (1) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;

(2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section;

(3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the Public Officer pursuant to this section; or

(4) The property has been determined to be a nuisance by the Public Officer in accordance with *N.J.S.A. 55:19-82*.

B. A property which contains both residential and non-residential space may be considered abandoned so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer and the property meets the criteria of either subsection A.1. or A.4. above.

§30-4. Abandoned Property Exceptions

A. If an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list if (1) the owner of the certificate has continued to pay all municipal taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of *N.J.S.A. 54:5-86*, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

B. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in §30-3.A. above.

C. A determination that a property is abandoned property shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b. of *N.J.S.A. 54:5-86*, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned.

E. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits.

~~§30-4.~~ **§30-5. Designation of Public Officer**

The Borough Manager or his designee is hereby designated as the Public Officer for the purpose of carrying out the responsibilities set forth in this Chapter and shall have all the responsibilities and powers provided by law.

~~§30-5.~~ **§30-6. Identification of Abandoned Properties**

The Public Officer is hereby directed to identify abandoned properties throughout the Borough for the purpose of establishing an abandoned property list. Each property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. Following the identification of abandoned properties, the Public Officer shall establish and maintain an “abandoned property list.” The Borough may add properties to the abandoned property list at any time or delete properties from the abandoned property list when the Public Officer finds that the property no longer meets the definition of abandoned property.

~~§30-6.~~ **§30-7. Request for Property to be Placed on Abandoned Property List.**

Any interested party may submit a written request to the Public Officer that a property be included on the abandoned property list, specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For purposes of the section, “interested party” shall mean any resident of the Borough, any owner or operator of a business within the Borough or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the potential abandoned property is located.

~~§30-7.~~ **§30-8. Establishment of Abandoned Property List; Notification of Property Owners.**

The Public Officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough, which publication shall constitute public notice and, within 10 days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to *N.J.S.A. 54:4-64(d)*. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed out but shall be posted on the property in the manner provided in *N.J.S.A. 40:48-2.7*. The mailed notice shall indicate the factual basis

for the Public Officer's finding that the property is abandoned property, specifying the information relied upon in making such finding. A copy of the mailed or posted notice shall also be filed by the Public Officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situate. This filing shall have the same force and effect as a notice of lis pendens under *N.J.S.A. 2A:15-6*.

~~§30-8.~~ **§30-9. Notice to Electric and Gas Utilities.**

Within ten days of the establishment of the abandoned property list, or any additions thereto, the Public Officer shall send by regular mail, facsimile or electronic mail, a copy of the abandoned property list to the electric and gas utilities serving the Borough.

~~§30-9.~~ **§30-10. Challenge by Owner to Inclusion of Property on Abandoned Property List.**

An owner or lienholder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Public Officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identify was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public Officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to §30-7 above, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certifications shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property. The Public Officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

~~§30-10.~~ **§30-11. Owner's Appeal of Adverse Determination by Public Officer**

The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to §30-9 above by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to §30-9 above. The sole ground for appeal shall be that the property in question is not abandoned property. The failure to institute an action of appeal on a timely basis shall constitute a

jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action. The Public Office shall promptly remove any property from the abandoned property list that has been determined not to be abandoned property on appeal.

~~§30-11.~~ §30-12. Effective Date of Abandoned Property List; Borough Rights and Remedies.

The abandoned property list shall become effective, and the Borough shall have the right to pursue any legal remedy with respect to properties on the abandoned property list, at such time as any one property has been placed on the list in accordance with the provisions of this Chapter, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

~~§30-12.~~ §30-13. Designation of Qualified Rehabilitation Entities.

Pursuant to *N.J.S.A. 55:19-90*, the Borough Manager or his designee is hereby delegated the authority to designate qualified rehabilitation entities to act as the Borough's designee for the purpose of exercising the Borough's rights under the Abandoned Properties Rehabilitation Act, *N.J.S.A. 55:19-78 et seq.*

~~§30-13.~~ §30-14. Reports

The Borough Manager **or his designee** shall provide a report to the mayor and governing body every six months with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the Borough or by any qualified rehabilitation entity designated pursuant to the authority granted the Borough Manager with respect to any property on the abandoned property list or any other abandoned property within the Borough.

Section 2. Section 31-4 entitled "Designation of public officer" of Chapter 31 entitled "Buildings, Unfit" of the Code of the Borough of Washington is amended to read as follows (deleted text shown as strikethrough, new text shown as underlined):

The ~~Zoning Officer~~ Borough Manager or his designee is hereby designated and appointed as the public officer to exercise the powers set forth in this chapter. ~~The Mayor and Borough Council may, by resolution, designate any other person or persons to act in the place of the Zoning Officer.~~

Section 3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 5. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance 10-2009 AN ORDINANCE REPEALING CHAPTER 71 OF THE CODE OF THE BOROUGH OF WASHINGTON COUNTY OF WARREN STATE OF NEW JERSEY REGARDING SEX OFFENDER RESIDENCY PROHIBITION
(Adoption/Public Hearing)

Mayor McDonald entertained a motion to introduce **Ordinance #10-2009**.

Ordinance 10-2009 was moved by Councilman Cioni, seconded by Councilman Housel.

It was further moved by Cioni, seconded by Housel that the Clerk read Ordinance #10-2009 by title only.

The Clerk read Ordinance #10-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Valentine, Cioni, Housel, Higgins, McDonald -Yes
Boyle - No

Ayes: 5, Nays: 1.
Motion carried.

Public Hearing: Dawn Higgins asked if the NJ Supreme Court gave municipalities any kind of way to hopefully redraft an ordinance similar to this in the future. Attorney Cushing explained that it has ruled that Megan's Law already regulates these types of issues. He stated there are a number of bills pending before the legislature right now that would allow municipalities to have some type of regulation. He encouraged everyone to contact their legislators.

Hearing no further comments from the public Councilman Higgins motioned to close the public hearing seconded by Councilman Housel.

Ayes: 6, Nays: 0
Motion Carried

Council Discussion: Councilman Housel stated that as a member of this committee it is devastating to have to repeal this ordinance. Mayor McDonald agreed and stated that as Attorney Cushing stated, municipalities are being forced to do this.

Mayor McDonald entertained a motion to adopt Ordinance 10-2009 on final adoption.

Motion made by Cioni, seconded by Housel to adopt Ordinance 10- 2009 on final adoption.

Roll Call: Housel, McDonald, Cioni, Valentine - Yes
Boyle, Higgins – No

Ayes: 4, Nays: 2

Motion Carried

ORDINANCE # 10-2009

AN ORDINANCE REPEALING CHAPTER 71 OF THE CODE OF THE BOROUGH OF WASHINGTON, NEW JERSEY REGARDING SEX OFFENDER RESIDENCY PROHIBITION

WHEREAS, the Mayor and Council of the Borough of Washington adopted Chapter 71 of the Code of the Borough of Washington in order to limit the ability of pedophiles to prey on children in the Borough of Washington; and

WHEREAS, there have been numerous court challenges to ordinances similar to Chapter 71 and as a result of those legal challenges the Borough has not enforced Chapter 71 pending final decision by the New Jersey Supreme Court as to whether such ordinances are lawful; and

WHEREAS the New Jersey Supreme Court has recently ruled that municipalities do not have the authority to regulate where pedophiles may live within a particular municipality; and

WHEREAS, it is now necessary for the Borough of Washington to repeal Chapter 71 in order to be in compliance with the ruling by the New Jersey Supreme Court.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 71 of the Revised General Ordinances of the Borough of Washington is hereby repealed in its entirety.

This ordinance shall take effect upon passage in accordance with law.

Ordinance 12-2009 AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE BOOUGH OF WASHINGTON STATE OF NEW JERSEY COUNTY OF WARREN REGARDING THE LIBRARY BOARD. (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #12-2009.

Ordinance 12-2009 was introduced by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #12-2009 by title only.

Roll Call: Cioni, Higgins, Boyle, Valentine, McDonald, Housel - Yes

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance #12-2009 entitled, "AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE BOROUGH OF WASHINGTON STATE OF NEW JERSEY COUNTY OF WARREN REGARDING THE LIBRARY BOARD."

Council Discussion: Mayor McDonald stated that this Ordinance will allow the Library Board to increase the number of volunteers who can serve of the board.

Ordinance 12-2009 was moved by Councilman Housel, seconded by Councilman Cioni be introduced on first reading.

Roll Call: McDonald, Housel, Boyle, Higgins, Valentine, and Cioni – Yes

Ayes: 6, Nays: 0
Motion Carried

It was further moved by Cioni, seconded by Housel that Ordinance #12-2009 be published in the Star Gazette on June 30, 2009 as required by law and that the public hearing be scheduled for August 18, 2009.

Roll Call: Housel, McDonald, Higgins, Boyle, Valentine, Cioni - Yes

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

It was moved by Boyle, seconded by Housel, to receive and file the following reports.

1. Municipal Court Report
2. Police Activity Report
3. CFO Report
4. Tax Collector Report
5. Fire Prevention Report
6. Zoning Code Enforcement
7. Issues and Details

Ayes: 6, Nays: 0
Motion Carried

Councilman Housel asked if the CFO could start to use headings on his monthly reports. Councilman Cioni asked that the abandoned property list be included on the Zoning Officers report as well.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - Councilman Cioni reported the website now includes a timeline of the parking lot project.

Concession Stand Committee – No Report

Recreation Report – No Report

Parking Lot Committee – No Report

VOUCHERS AND CLAIMS

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Housel, seconded by Cioni to pay the vouchers and claims in the amount of \$273,698.45.

Roll Call: Boyle, Higgins, Valentine, McDonald, Housel, Cioni

Ayes: 6, Nays: 0
Motion Carried

OLD BUSINESS:

Municipal Garbage Collection

Manager Phelan stated that the Borough's options are going out to bid with options or having the homeowners pay for their own garbage pickup. The municipality would have to bid for its own pickup. The cost for the municipality to pick up everyone's garbage currently is \$344,000 plus tipping fees of \$155,000. Tonnage has increased every year including tipping fees. Mr. Phelan stated that the new bid base will probably be in the range of \$375,000 to \$400,000. The average price for a homeowner to contract their own garbage service is within the range of \$45.00 to \$75.00 a quarter. Councilman Boyle stated that would be about \$318.00 a year for the homeowner.

Councilman Higgins noted that having the homeowners take on their own garbage collection would be 13 cents off the tax rate. Councilman Cioni stated you would still be paying for the service though. Councilman Boyle noted that the homeowner would have more control.

Manager Phelan stated he will be done with the bid package over the next two weeks, he will stay the course and go out to bid with all options.

Councilman Higgins inquired about the cost of the Borough purchasing its own truck and bringing garbage collection in house. Manager Phelan explained the current financial situation would not allow us to hire two full time employees or buy a truck.

Councilman Housel stated he is not in favor of taking it out of the tax rate; it helps people who can deduct this type of expense from their income tax. It may help the budget but hurt the taxpayers.

Motion made by Housel, seconded by Cioni for the manager to go out to bid with all options.

Ayes: 6, Nays: 0
Motion Carried

NEW BUSINESS

Resolution 142-2009 Redemption of Tax Sale Certificate

Resolution 142-2009 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Cioni, Valentine, McDonald, Boyle

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 142-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 4, 2008 to Park Finance LLC, PO Box 109, Cedar Knolls, NJ 07927, in the amount of \$642.76 for taxes or other municipal liens assessed for the year 2007 in the name of LZJN Properties, LLC, as supposed owners, and in said assessment and sale were described as 99 N Lincoln Avenue, Block 16 Lot 11, which sale was evidenced by Certificate #08-00443; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-08-09 and before the right to redeem was cut off, as provided by law, Attorney Lawrence J Fox, claiming to have an interest in said lands, did redeem said lands claimed by Park Finance, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$780.57, which is the amount necessary to redeem Tax Sale Certificate #08-00443.

NOW THEREFORE BE IT RESOLVED, on this 21st day of July, 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 in the amount of \$780.57.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 16 Lot 11 from the tax office records.

Resolution 144-2009 Assigning Labor Lien

Resolution 144-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Housel, Higgins, Cioni, Valentine, McDonald, Boyle

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 144-2009
OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF WASHINGTON, WARREN COUNTY, ASSIGNING
A LABOR LIEN ON Block 18.01 Lot 2

WHEREAS, Section 75-70 of the Code of the Borough Washington (the Code) provides that the owner, occupants or tenants shall be responsible for the removal of grass, weeds and other impediments; and

WHEREAS, Section 75-71 provides that if the owner fails to maintain the property as required by Section 75-70, that the Borough can cause the grass, weeds and other impediments to be removed; and

WHEREAS, Section 75-72 provides that the costs of removal of the grass, weeds and other impediments done under Section 75-71 be charged to the property owner as a tax lien on the property;

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property at 229 Belvidere Avenue, identified on the tax maps of the Borough as Block 18.01, Lot 2 was in violation of Section 75-70 of the Code so that it was necessary for the Borough to take action to cut grass and trim bushes; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$114.40 to correct the violation;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that under the provisions of Section 75-70 et.seq. the Tax Collector is hereby authorized and directed to place a lien in the amount of \$114.40 on the property at 229 Belvidere Avenue, identified on the tax maps of the Borough as Block 18.01, Lot 2

Resolution 145-2009 Assigning Labor Lien

Resolution 145-2009 was moved on a motion made by Cioni, seconded by Valentine.

Roll Call: Housel, Higgins, Cioni, Valentine, McDonald, Boyle

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 145-2009
OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF WASHINGTON, WARREN COUNTY, ASSIGNING
A LABOR LIEN ON Block 45 Lot 12

WHEREAS, Section 75-70 of the Code of the Borough Washington (the Code) provides that the owner, occupants or tenants shall be responsible for the removal of grass, weeds and other impediments; and

WHEREAS, Section 75-71 provides that if the owner fails to maintain the property as required by Section 75-70, that the Borough can cause the grass, weeds and other impediments to be removed; and

WHEREAS, Section 75-72 provides that the costs of removal of the grass, weeds and other impediments done under Section 75-71 be charged to the property owner as a tax lien on the property;

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property at 8 Sunrise Terrace, identified on the tax maps of the Borough as Block 45, Lot 12 was in violation of Section 75-70 of the Code so that it was necessary for the Borough to take action to cut grass and trim bushes; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$166.50 to correct the violation;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that under the provisions of Section 75-70 et.seq. the Tax Collector is hereby authorized and directed to place a lien in the amount of \$166.50 on the property at 8 Sunrise Terrace, identified on the tax maps of the Borough as Block 45 Lot 12

Resolution 146-2009 Redemption of Tax Sale Certificate

Resolution 146-2009 was moved on a motion made by Cioni, seconded by Higgins and adopted.

Roll Call: Cioni, Higgins, Boyle, McDonald, Valentine, Housel

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #146-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 4, 2008 to CCTS Capital LLC, 1415 Route 70 East, Suite 504, Cherry Hill, NJ 08034, in the amount of \$758.19 for taxes or other municipal liens assessed for the year 2007 in the name of Nationstar Mortgage LLC (formerly Rissmiller, Donald), as supposed owners, and in said assessment and sale were described as 177 Belvidere Avenue, Block 20.03 Lot 3, which sale was evidenced by Certificate #08-00446; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 07-15-09 and before the right to redeem was cut off, as provided by law, First American Trust for Home Select Settlement Solutions/Nationstar Mortgage LLC, claiming to have an interest in said lands, did redeem said lands claimed by CCTS Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,296.27, which is the amount necessary to redeem Tax Sale Certificate #08-00446.

NOW THEREFORE BE IT RESOLVED, on this 21st day of July, 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to CCTS Capital LLC, 1415 Route 70 East, Suite 504, Cherry Hill, NJ 08034 in the amount of \$2,296.27.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 20.03 Lot 3 from the tax office records.

Resolution 147-2009 Void and Replace Check

Resolution 147-2009 was moved on a motion made by Cioni, seconded by Higgins and adopted.

Roll Call: Cioni, Valentine, Higgins, Boyle, McDonald, Housel

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #147-2009

A RESOLUTION TO VOID A CHECK

WHEREAS, check #2407 was written 7/08/09 on the Washington Borough's

Operating Fund # 8102360230 in the amount of \$211.64 and made payable to Washington One Stop Inc., 288 Route 31 South, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was informed that the invoice from this vendor was already paid. A replacement check is not necessary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to void check #2407.

Resolution 148-2009 Professional Service Agreement

Resolution 148-2009 was moved on a motion made Cioni, seconded by Housel and adopted.

Roll Call: Cioni, Housel, McDonald, Valentine, Higgins, Boyle

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION # 148-2009
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, the Borough of Washington has a need to acquire legal services in connection with the transfer of title of a municipal parking lot to the Washington Business Improvement District previously approved via Ordinance 2-2009; and

WHEREAS, the Purchasing Agent has certified in writing that the value of the above referenced services will cause us to spend more that \$17,500 in aggregate with this vendor during the previous twelve (12) months; and

WHEREAS, the anticipated term of this contract is for six (6) months; and

WHEREAS, McManimon & Scotland, LLC can supply the Borough with the required services for a cost not to exceed \$4,000.00; and

WHEREAS, McManimon & Scotland, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that McManimon & Scotland, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Washington, County of Warren, in the previous one year, and that the contract will prohibit McManimon & Scotland, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Finance Officer has certified to the Borough Clerk that additional funds are available in the following budget account:

C-04-08-002-000-002

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, that a contract for legal services in connection with the transfer of title of a municipal parking lot to the Washington Business Improvement District is hereby authorized with McManimon & Scotland, LLC in an amount not to exceed \$4,000.00.

BE IT FURTHER RESOLVED that the notice of this appointment will be published as required by law within ten (10) days of the passage of this resolution.

Resolution 149-2009 Professional Service Agreement

Resolution 149-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, Higgins, McDonald, Valentine, Boyle

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION # 149-2009
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, the Borough of Washington has a need to contract for project construction and environmental oversight associated with the Washington Business Improvements Districts Downtown Parking Lot Project; and

WHEREAS, the Purchasing Agent has certified in writing that the cost of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for six (6) months; and

WHEREAS, Suburban Consulting Engineers can supply the Borough with the required services for a cost not to exceed \$45,820; and

WHEREAS, Suburban Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Suburban Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington, County of Warren, in the previous one year, and that the contract will prohibit Suburban Consulting Engineers from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Finance Officer has certified to the Borough Clerk that additional funds are available in the following budget account:

C-04-08-002-000-002

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, that a contract for contract for project construction and environmental oversight associated with the Washington Business Improvements Districts Downtown Parking Lot Project is hereby authorized with Suburban Consulting Engineers in an amount not to exceed \$45,820.00.

BE IT FURTHER RESOLVED that the notice of this appointment will be published as required by law within ten (10) days of the passage of this resolution.

Resolution 150-2009 Access Agreement

Resolution 150-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, McDonald, Valentine, Higgins, Boyle

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION 150-2009
OF THE MAYOR AND COUNCIL AUTHORIZING THE EXECUTION
OF AN ACCESS AGREEMENT SUTHERLAND ASSOCIATES

WHEREAS, the Borough of Washington (“Borough”) is the owner of property identified as Block 101 Lot 13.01 West Washington Avenue; and

WHEREAS, the Sutherland and Associates is conducting a well search for New Jersey-American Water Company for current and future demand; and

WHEREAS, as part of its search, Sutherland and Associates needs access to Borough of Washington property at the location identified above. In order to conduct its investigation, geophysics tests will need to be performed which involves a man or men walking the property while sending impulses into the ground to search for lineaments; and

WHEREAS, if it is deemed further testing is needed, a more comprehensive agreement would be reached between Sutherland Associates and the Borough of Washington; and

WHEREAS, the Borough and Sutherland Associates desire to enter into an agreement regarding consent for Sutherland Associate’s access to Borough property;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

The CONSENT FOR ACCESS TO PROPERTY, in the form attached hereto, is hereby approved and the Mayor, Clerk and any other necessary municipal official are hereby authorized to execute the Agreement on behalf of the Borough of Washington.

Resolution 151-2009 Sewer Line Acceptance Toll Bros.

Resolution 151-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, Higgins, Boyle, McDonald, Valentine

Ayes: 6, Nays: 0

Motion Carried

Resolution 151-2009

**AUTHORIZATION TO SIGN TREATMENT WORKS APPROVAL/SANITARY
SEWER IMPROVEMENTS PER TWA PERMIT # 06-0458 TOLL
BROTHERS/REGENCY AT WASHINGTON**

WHEREAS, Regency at Washington has completed all mandated sanitary sewer improvements per TWA Permit# 06-0458; and

WHEREAS, Suburban Consulting Engineers, Inc. has reviewed the permit and necessary construction requirements and recommends that the WQM-005 forms be executed; and

WHEREAS, the application form WQM-005 requires appropriate execution by an authorized representative of the Borough of Washington.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington does authorize the Borough Manager to sign the appropriate parts of the application forms on behalf of the Borough of Washington as may be necessary.

RECAP

Manager Phelan will follow up with Mr. Hoff regarding his concerns this evening. Headings will be added to the CFO Report and the abandoned properties report will be

added to the zoning report monthly. Manager Phelan will prepare to go out to bid on garbage collection with all of the options included in the bid.

COUNCIL REMARKS

Councilman Higgins asked for a copy of the trust fund information regarding the money donated to the police department. He also requested a copy of the minutes where the money was discussed with Council stating that it would be used to pay down the 300 hours of sick time.

Councilman Boyle asked Attorney Cushing if he can vote no on the publication vote of an ordinance. Attorney Cushing stated that any Council person can vote the way he or she wants during a vote.

Hearing no further business to come before Council, it was moved by Boyle, seconded by Higgins that the meeting be adjourned at 9:45 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk